

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NATHAN LITERA SAS,

Plaintiff,

-against-

VARICK SP, LLC,

Defendant.

**ORDER**

20 Civ. 7471 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

For the reasons stated in today's conference, Plaintiff's motion for a default judgment (Dkt. Nos. 16-20) is denied, and Defendant's cross-motion to vacate the Clerk's certificate of default (Dkt. No. 26) is granted. The Clerk of Court is directed to terminate the motions.

Defendant will submit any response to the Complaint by **February 25, 2021**.

Counsel for all parties are directed to appear before the Court for an initial pretrial conference in accordance with Rule 16 of the Federal Rules of Civil Procedure on **March 4, 2021 at 10:30 a.m.** The conference will take place by telephone.

This case has been designated as an electronic case and has been assigned to me for all purposes. By the date of the initial pretrial conference, counsel for all parties must register as filing users in accordance with the Procedures for Electronic Case Filing and file a Notice of Appearance.

**Seven days before the conference, the parties must submit a joint letter addressing the following in separate paragraphs:** (1) a brief description of the case, including

the factual and legal bases for the claim(s) and defense(s); (2) any contemplated motions; and (3) the prospect for settlement. For the Court's convenience, the parties must set forth the conference's date and time in the joint letter's opening paragraph. The Court directs the parties to consult its Individual Practices and model Case Management Plan and Scheduling Order – both of which are available on the Court's web site – **and to submit with their joint letter a jointly proposed Case Management Plan.**

**In any case involving allegations of personal injury – whether physical, psychological, emotional, or otherwise – the Plaintiff is to provide to the Defendant prior to the initial pretrial conference all necessary medical authorizations.**

The parties should be aware that the Court requires a pre-motion conference before any motion is filed, in accordance with Rule 4(A) of the Court's Individual Practices.

The Court will consider requests for adjournment of the conference only if they are in writing and otherwise in accordance with the Court's Individual Practices.

**The parties should not provide the Court with courtesy copies of any document less than six pages in length.**

If this case has been settled or otherwise terminated, counsel are required to notify the Court – before the date of the conference – by calling (212) 805-0224, and must send a stipulation of discontinuance, voluntary dismissal, or other proof of termination via email to the Orders and Judgments Clerk at the following email address: [judgments@nysd.uscourts.gov](mailto:judgments@nysd.uscourts.gov).

The parties are directed to dial 888-363-4749 to participate, and to enter the access code 6212642. The press and public may obtain access to the telephone conference by dialing the same number and using the same access code. The Court is holding multiple telephone conferences on this date. The parties should call in at the scheduled time and wait on

the line for their case to be called. At that time, the Court will un-mute the parties' lines. Seven days before the conference, the parties must email Michael\_Ruocco@nysd.uscourts.gov and GardepheNYSDChambers@nysd.uscourts.gov with the phone numbers that the parties will be using to dial into the conference so that the Court knows which numbers to un-mute. The email should include the case name and case number in the subject line.

Dated: New York, New York  
February 4, 2021

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe", written over a horizontal line.

Paul G. Gardephe  
United States District Judge